IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

Bail Appl..No. 7254 of 2006()

CRIME NO.1195/06 OF KOLLAM EAST POLICE STATION

PETITIONERS/ACCUSED:

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1. YESODHARAN, S/O.KRISHNAN,
   SUNIL BHAVAN, MULLUVILA, VADAKKEVILA,
   KOLLAM.

2. SUNIL, S/O.YESODHARAN,
   SUNIL BHAVAN, MULLUVILA, VADAKKEVILA,
   KOLLAM.

3. RAJU, S/O.KARUNAKARAN,
   SUNIL BHAVAN, MULLUVILA, VADAKKEVILA, KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY
THE KOLLAM EAST POLICE STATION, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 7254 OF 2006

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DATED THIS THE 11TH DAY OF DECEMBER, 2006

O R D E R

Petitioners, three in number, seek anticipatory bail on the allegation that the Kollam East Police are attempting to arrest and harass the petitioners in connection with Crime No.1195/06 of the said Police Station for offences punishable under sections 408 and 420 read with section 34 IPC.

2. Learned Public Prosecutor on instructions submitted that while petitioners 1 and 3 are respectively accused 2 and 1, second petitioner is not an accused in the above crime.

3. After hearing both sides and after considering the rival contentions of the parties, I am inclined to grant anticipatory bail to petitioners 1 and 3, but on certain conditions. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release petitioners 1 and 3 on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs.10,000/- with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

> 1. Petitioners 1 and 3 shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners 1 and 3 shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners 1 and 3 shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners 1 and 3 shall not commit any offence while on bail.

5. Petitioners 1 and 3 shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

6. The 3rd petitioner, viz; the first accused shall surrender before the Investigating Officer on any day between 13.12.2006 and 16.12.2006 for the purpose of custodial interrogation and recovery, if any.

If petitioners 1 and 3 commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

Since the 2nd petitioner is not an accused in the above crime, the apprehension of arrest and harassment entertained by him is unfounded. Hence anticipatory bail to the second petitioner is refused.

This application is allowed in part as above.

V.RAMKUMAR,JUDGE.

dsn